

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2008-33

February 26, 2008

SUBJECT: Establishment – Office of Partnership and Grant Services

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to sections 422(2), 422(6), and 422(11) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code §§ 1-204.22(2), 1-204.22(6), and 1-204.22(11) (2006 Repl.), section 115 of the District of Columbia Appropriations Act, 2003 ("FY 2003 Appropriations Act"), approved February 20, 2003, Pub. L. 108-7, D.C. Official Code § 1-329.01 (2006 Repl.), section 811 of the District of Columbia Appropriations Act, 2008, approved Dec. 26, 2007, Pub. L. 110-161 ("FY 2008 Appropriations Act") (and any substantially identical successor law), and relevant provisions of the federal Anti-Deficiency Act, 31 U.S.C. §§ 1349 and 1351, it is hereby **ORDERED** that Mayor's Order 2002-2 (Rev.), dated January 11, 2002, is rescinded and reissued in its entirety to read as follows:

I. Rationale

- (a) The District of Columbia government is responsible for providing essential services to District residents. In addition to public funds, public and private grants, public and private partnerships, and private donations are relied upon to support government functions and programs. The application for public and private grants is often a formal, competitive process, and the use of such grants is generally subject to rigorous auditing. (The term "grant" as used herein means an award of competitive funds of financial assistance under contractual terms between a grantor, either public or private, to assist the grantee, either government or nonprofit, in the achievement or continuation of a "public purpose" to benefit the general public or a segment of the general public.) These grants may not be used to circumvent the government's competitive procurement policies and procedures. The term "sub-grant" as used herein means an award of competitive funds of financial assistance made under a grant by a grantee to an eligible sub-grantee. The District of Columbia government is also authorized by section 115 of the FY 2003 Appropriations Act to accept private donations for an authorized governmental function or duty. (The term "donations" as used herein means donations of funds, services, and property solicited and received pursuant to that authority.) Unlike grants as described above, the solicitation, acceptance, and use of private donations has not been similarly regularized.

Procedures must be adopted to ensure that solicitation, acceptance, and use of private donations are governed by the highest standards of ethics and accountability.

- (b) This Order incorporates into a new Office of Partnerships and Grant Services ("OPGS") the mission, objectives, and functions of the existing Office of Partnerships and Grants Development, while rescinding Mayor's Order 2002-2, dated January 11, 2002 (Rev.), which Order established the latter office. This Order adds to that mission and those objectives and functions by authorizing the new office to adopt and administer mandatory procedures to ensure full compliance with the District's Sub-Granting Rules as set forth in DCMR, Title 1 Chapter 50.

II. Scope

- (a) This Order applies to the application for, acceptance, and use of grants on behalf of the District government as authorized under section 811 of the FY 2008 Appropriations Act (and any substantially identical successor law).
- (b) This Order also applies to all solicitation, receipt, and use of private donations of funds, services, and property by agencies of the District government as authorized under section 115 of the FY 2003 Appropriations Act (and any substantially identical successor law), except that:
 - 1. This Order does not apply to the recruitment of volunteers for appropriate government activities as authorized by the Volunteer Services Act, (D.C. Law 2-12; D.C. Official Code § 1-319.01 *et seq.*) (2001); and
 - 2. The Mayor's authority exercised by this Order does not apply to the Council of the District of Columbia, which may accept and use gifts without prior approval of the Mayor pursuant to section 115 of the FY 2003 Appropriations Act.
- (c) This Order also applies to the administration and enforcement of mandatory procedures to ensure full compliance with DCMR, Title 1 Chapter 50 among District grant-making agencies and offices. Accordingly, OPGS will institute a government-wide process that assists District grant-makers in preparing Notices of Funding Availability ("NOFAs"), as well as awarding, monitoring, and reporting on the District's sub-awards.

III. Establishment

There is hereby established, within the Office of the City Administrator, the Office of Partnerships and Grant Services ("OPGS").

This is the only entity that has authority to solicit, review, receive, and approve donations to the District government, with two exceptions as set out in Section II

(b) of this Order. OPGS also has the authority to administer and enforce mandatory procedures to ensure full compliance with DCMR, Title 1 Chapter 50, and to oversee the planning and execution of competitive grant funding requests from District agencies to federal, foundation, and private sector grant-makers. Furthermore, OPGS is hereby established to serve as the District government's grants clearinghouse in order to effectively administer mandatory policies and procedures that govern the solicitation of competitive grants funds among District agency grant seekers and their prospective grantees and/or sub-grantees.

IV. Appointment of Director; Delegation of Authority; Resources; Disclosure Statements

- (a) The OPGS shall be supervised by a Director to be appointed by the Mayor. The Director shall report to the City Administrator and/or the City Administrator's designee in the Office of the City Administrator. The Director is hereby delegated exercise of the Mayor's authority to apply for and to accept grant funding under section 811 of the FY 2008 Appropriations Act (and any substantially identical successor law). The Director is also hereby delegated exercise of the Mayor's authority to permit solicitation, receipt, and use of donations of funds, services, and property by agencies of the District government under section 115 of the FY 2003 Appropriations Act (and any substantially identical successor law). The Director may subdelegate the authority to solicit, review, receive, and approve donations to the government, to the employees within the Office, to agency directors, and to officials within the Office of the City Administrator. Furthermore, the Director is hereby delegated exercise of the Mayor's authority to administer and establish mandatory procedures to ensure full compliance with DCMR, Title 1 Chapter 50 among District agencies.
- (b) The Director shall coordinate the exercise of the functions of the OPGS with the Executive Office of the Mayor, the Office of the City Administrator, the Office of Policy and Legislative Affairs, the Office of the Chief Financial Officer, the Office of the Attorney General, the Office of the Secretary, the Office of Contracting and Procurement, the Department of Human Resources, the Office of the Budget and Planning, and District operating agencies which have major grant responsibilities.
- (c) Beginning with fiscal year 2009, the resources allocated to OPGS shall be separately reflected in the budget.
- (d) Each employee of the OPGS shall complete a Confidential Statement of Employment and Financial Interest (DPM Form 35) to be reviewed and maintained by the Director or her/his designee. These statements shall be used to address issues concerning actual or potential conflicts of interest related to the solicitation, receipt, or use of donations from private donors.

V. Mission and Objectives

The mission and objectives of the OPGS are to:

- (a) Oversee the planning and execution of competitive grant funding requests from District agencies to federal, foundation, and private sector grantors and/or donors;
- (b) Administer and enforce mandatory rules and procedures to ensure full compliance with DCMR, Title 1 Chapter 50;
- (c) Provide capacity building training and technical assistance to District agencies and nonprofits in identifying, applying, and managing potential and existing competitive grant funds and related in-kind resources;
- (d) Implement and enforce mandatory policies and procedures pursuant to the Rules of Conduct Governing Donations Made to the District Government (Mayor's Memorandum 2002-1, dated January 8, 2002) including the solicitation, acceptance, and use of private donations; and
- (e) Facilitate the establishment of collaborative philanthropic relationships or partnerships with private, public, nonprofit, and individual donors with a view of advancing the Mayor's public policy priorities.

VI. Functions

(a) The OPGS shall:

- 1. Apply for and accept competitive grants from public and private grant-making organizations or agencies as authorized by section 811 of the FY 2008 Appropriations Act (and any substantially identical successor law) as well as applicable federal appropriations laws and also grants policies and procedures;
- 2. Assist in developing and implementing strategies for shifting the local government funds of current services, where applicable, from local tax revenues to other appropriated federal, foundation, and private sources;
- 3. Coordinate the design and execution of resource development strategies that enhance the programs of District agencies directly related to the Mayor's public policy priorities and government's strategic plan;
- 4. Identify potential and available financial, human, and in-kind support and disseminate that information to appropriate District agencies.
- 5. Assist District agencies in identifying appropriate projects for targeted funding from grants and donations;

6. Provide training and technical assistance to District agencies and non-profits engaged in accessing and managing existing as well as potential competitive grant funds;
7. Exercise leadership in supporting the action plans of District agencies relating to the successful cultivation, solicitation, and stewardship of grants from federal and other sources;
8. Adopt policies and procedures, consistent with nationally recognized "best practices," in consultation with appropriate District agencies, to ensure the highest level of integrity in establishing and expanding public-private partnerships and administering the grants development, award, and management process;
9. Coordinate and establish mandatory policies and procedures to enforce effective policies and procedures related to both the solicitation of competitive grant funds and private donations among District agencies for government programs;
10. Facilitate the establishment of collaborative philanthropic relationships with private, public, and nonprofit organizations, as well as individual donors – with a view to implementing the Mayor's public policy priorities;
11. A designee from the OPGS shall serve as co-chair with a designee from the Office of the Chief Financial Officer to oversee and direct the District of Columbia Grants Council;
12. Solicit and accept the donation of funds, property, and services as authorized by section 115 of the FY 2003 Appropriations Act (and any substantially identical successor law);
13. Review requests by employees or agencies to solicit such donations and, in consultation with the District's Ethics Counselor, approve or disapprove such requests as appropriate, in accordance with the Rules of Conduct Governing Donations, as published in Mayor's Memorandum 2002-1, dated January 8, 2002;
14. Enforce the Rules of Conduct Governing Donations, through the implementation of procedures, including reporting and accounting procedures to be used by agencies of the District government that are within the purview of this Order;
15. Prepare and implement procedures to be followed in the solicitation of private donations for the District government;

16. Enter into a Memorandum of Understanding with the Chief Financial Officer establishing deposit and disbursement procedures for donated funds and procedures for issuance of donor acknowledgment letters;
17. Prepare and implement, in coordination with the Chief Financial Officer, procedures for the creation of auditable records, subject to public inspection, that account for the use of all donated funds;
18. Subject to approval by the Mayor, revise and update, as appropriate, the Rules of Conduct Governing Donations and the related protocol and procedures;
19. Coordinate the design and execution of donation development strategies that enhance the programs of District agencies directly related to the District-wide strategic plan;
20. Establish practices, policies, and procedures in consultation with the Chief Financial Officer to ensure the highest level of integrity in establishing and expanding collaborative arrangements and administering the donation process;
21. Coordinate with the Office of the Attorney General and other appropriate agencies to provide a training program on the Rules of Conduct Governing Donations, and the protocol and procedures developed pursuant to this Order, for all District agencies covered by this Order, as set out in section V(d) of this Order;
22. Publish an annual report, identifying each donor and appropriated grant funding source, as well as the date of receipt, the type and value, and the purpose for which each donation and non-appropriated grant has been or is to be used (such report may incorporate by reference any similar report required by law to be made by an individual agency);
23. Provide a quarterly report on solicitation and receipt of donations for review by the General Counsel of the Office of the Mayor and the Ethics Counselor of the Office of the Attorney General;
24. Serve as the District's grants clearinghouse to administer effective clearance policies and procedures related to the solicitation of competitive grant funds among District agencies and their prospective grantees or sub-grantees; and
25. Institute the required internal controls to effectively monitor, evaluate, and report on District agencies' compliance with Chapter 50 of Title I, DCMR on an annual basis.

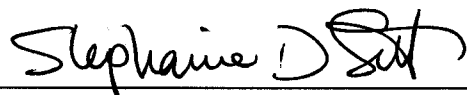
- (b) The OPGS is designated as the District of Columbia's state liaison with federal executive agencies and with states on all matters related to state plans, applications for federal, foundation, and private donor grants and other assistance, and proposals for projects of an interstate nature. The OPGS shall serve as the State Single Point of Contact ("SPOC") for the District of Columbia under Executive Order No.12372, 47 Fed. Reg. 30,959 (1982).

VII. Implementation

- (a) All District personnel subject to this Order are required to follow the Rules Conduct Governing Donations, Chapter 50 of Title I, DCMR and OPGS' mandatory policies and procedures to oversee the planning and execution of competitive grant funding requests including applications and awards from District agencies to federal, foundation, and private sector grant makers. Furthermore, all District agencies and designated personnel who apply and receive new competitive grant awards are required to submit their respective grant application and award data to OPGS' electronic grants information data system on a semi-annual basis. Failure to follow the above policies and procedures may result in disciplinary action.
- (b) Each agency requesting authority to solicit, accept and use donations shall designate an employee to be the point of contact with OPGS for the purpose of providing information about agency activities. Within 30 days of the effective date of this order, each agency shall provide OPGS with an inventory of all agency activities which may be subject to this order. Within 45 days of the effective date of this order, agencies with statutory authority to solicit and receive donations (e.g., the Department of Park and Recreation pursuant to the Recreation Act of 1994 (D.C. Law 10-246; D.C. Official Code § 10-302) (2001), and the Commission on the Arts and Humanities (D.C. Law 1-22; D.C. Official Code § 39-204) (2001)) shall confer with the Director of OPGS and the Ethics Counselor to develop implementing procedures that are consistent with this Order and recognize the separate statutory authority of each agency.

VIII. Effective Date: This Order shall be effective immediately.


ADRIAN M. FENTY
MAYOR

ATTEST: 
STEPHANIE D. SCOTT
SECRETARY OF THE DISTRICT OF COLUMBIA